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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JEREMY PREWITT,) Case No.: 1:24-cv-1184 JLT BAM (PC)
12 Plaintiff,)
13 v.) ORDER ADOPTING IN FULL THE FINDINGS
14 J. DOERER,) AND RECOMMENDATIONS, DISMISSING THE
15 Defendant.) ACTION WITHOUT PREJUDICE, AND
16) DIRECTING THE CLERK OF COURT TO CLOSE
17) THE CASE
18) (Doc. 5)
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27 Jeremy Prewitt seeks to hold J. Doerer, Warden at United States Penitentiary Atwater, liable for
28 violations of his civil rights while incarcerated at the facility.¹ The assigned magistrate judge found
Plaintiff failed to obey the Court’s order and failed to prosecute the action. (Doc. 5 at 1-2.) The
magistrate judge found terminating sanctions are appropriate, after considering the factors identified by
the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). (*Id.* at 2-3.) Thus, the
magistrate judge recommended that the Court dismiss the action without prejudice. (*Id.* at 3.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any
objections were due within 14 days. (Doc. 5 at 3.) The Court advised Plaintiff that the “failure to file
objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s

¹ On October 3, 2024, the Court severed Plaintiff’s claims from *Benanti v. Doerer*, Case No. 1:24-cv-01108-CDB (PC) and directed Plaintiff to: (1) file a signed complaint bearing his own case number; and (2) submit a completed application to proceed in forma pauperis or pay the \$405.00 filing fee to proceed with this action. (*See* Doc. 2 at 6-9.)

1 factual findings’ on appeal.” (*Id.* at 4, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir.
2 2014).) Plaintiff did not file objections, and the time to do so expired.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having
4 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported
5 by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations dated December 4, 2024 (Doc. 5) are **ADOPTED**
7 in full.
- 8 2. The action is **DISMISSED** without prejudice for Plaintiff’s failure to prosecute and
9 failure to comply with the Court’s order.
- 10 3. The Clerk of Court is directed to close this case.

11
12 IT IS SO ORDERED.

13 Dated: **January 2, 2025**


UNITED STATES DISTRICT JUDGE